

Appl. No. : 10/649,372
Filed : August 26, 2003

REMARKS

Claims 2–56 are pending in this application. In the May 19, 2005 Final Office Action, the Examiner maintains the rejections of Claims 2–56 that were set forth in the previous Office Action mailed October 1, 2004. In particular, the Examiner rejects Claims 2–7, 10–24, 45–48, 50 and 52–53 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,025,780 to Bowers et al. (“the Bowers patent”). The Examiner also rejects Claims 27–29, 31, 34 and 37–44 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,025,780 to Mish (“the Mish patent”). The Examiner further rejects Claims 8, 9, 25, 26 and 54–56 under 35 U.S.C. § 103(a) as being unpatentable over the Bowers patent. In addition, the Examiner rejects Claims 30, 32, 33, 35, 36, 49 and 51 under 35 U.S.C. § 103(a) as being unpatentable over the Mish patent.

In this present Response, Applicant has amended Claims 2–5, 10, 13, 15–17, 27–29, 33, 37, 41, 45, 48 and 54. Claims 6–9, 11, 12, 14, 18–26, 30–32, 34–36, 38–40, 42–44, 46, 47, 49–53, 55 and 56 remain as previously presented. In view of the remarks set forth below, Applicant submits that Claims 2–56 are in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(e)

Rejection of Claims 2–7, 10–24, 45–48, 50 and 52–53

The Examiner rejects Claims 2–7, 10–24, 45–48, 50 and 52–53 as being anticipated by the Bowers patent. For the reasons set forth below, Applicant respectfully disagrees.

Amended Independent Claim 2

Focusing on amended independent Claim 2, in one embodiment of Applicant's invention a method for identifying a lost or stolen device is disclosed. The method includes receiving data identifying a plurality of devices that have been lost or stolen, wherein each of the lost or stolen devices is associated with a transmitter. The method also includes storing the data identifying the lost or stolen devices and receiving identifying information from transmitters of detected devices. The method further

includes comparing the identifying information of the detected devices with the stored data so as to locate at least one of the lost or stolen devices.

The Bowers patent does not disclose the method as recited in amended Claim 2. In particular, the Bowers patent does not appear to disclose receiving data identifying devices that have been lost or stolen and then comparing this data with identification information from detected devices to locate one of the lost or stolen devices. Rather, the Bowers patent discloses storing information related to tags affixed to a predefined set of articles accessible to consumers or patrons within predefined surroundings (see col. 6, lines 12–19 and 65–67). The Bowers patent further discloses storing data identifying the status (i.e., sold, unsold, returned, resold, checked in, checked out) of the set of articles located within the predefined surroundings (see col. 6, lines 48–56).

If a tagged article that is not supposed to leave the predefined surroundings (e.g., an unsold item) is detected by an interrogator at one of the exits, the Bowers system issues an alert signal. Thus, consumers or patrons are able to transport the tagged articles anywhere within the predefined surroundings. Unlike the invention recited in amended Claim 2, the Bowers database does not receive or store data identifying lost or stolen devices because a device (e.g., an article) would not be “stolen” until after it had been detected by an interrogator at one of the exits and a determination had been made that the article should not have been leaving the predetermined surroundings.

Because the Bowers patent does not disclose receiving data identifying a plurality of devices that have been lost or stolen and then comparing this data with identification information from detected devices to locate one of the lost or stolen devices, Applicant asserts that amended Claim 2 is not anticipated by the Bowers patent. Applicant respectfully requests allowance of Claim 2.

Amended Independent Claims 13, 17, 45 and 48

Amended independent Claims 13, 17, 45 and amended independent Claim 48 are believed to be patentable for reasons similar to those set forth with respect to the patentability of amended independent Claim 2 and for the different aspects recited therein. Applicant respectfully requests allowance of Claims 13, 17, 45 and 48.

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Dependent Claims 3–7 and 10–12

Claims 3–7 and 10–12 depend from amended independent Claim 2 and are believed to be patentable for the reasons set forth with respect to the patentability of amended independent Claim 2 and for the additional features recited therein.

Dependent Claims 14–16

Claims 14–16 depend from amended independent Claim 13 and are believed to be patentable for the reasons set forth with respect to the patentability of amended independent Claim 13 and for the additional features recited therein.

Dependent Claims 18–24

Claims 18–24 depend from amended independent Claim 17 and are believed to be patentable for the reasons set forth with respect to the patentability of amended independent Claim 17 and for the additional features recited therein.

Dependent Claims 46 and 47

Claims 46 and 47 depend from amended independent Claim 45 and are believed to be patentable for the reasons set forth with respect to the patentability of amended independent Claim 45 and for the additional features recited therein.

Dependent Claims 50, 52 and 53

Claims 50, 52 and 53 depend from amended independent Claim 48 and are believed to be patentable for the reasons set forth with respect to the patentability of amended independent Claim 48 and for the additional features recited therein.

Rejection of Claims 27–29, 31, 34 and 37–44

The Examiner rejects Claims 27–29, 31, 34 and 37–44 as being anticipated by the Mish patent. For the reasons set forth below, Applicant respectfully disagrees.

Amended Independent Claim 27

Focusing on amended independent Claim 27, in one embodiment of Applicant's invention a method for identifying a lost or stolen device is disclosed. The method includes (1) receiving a report of a lost or stolen device having transmitter circuitry attached thereto and (2) storing data associated with the report in a secure database. The method further includes comparing unique identifying information from transmitter

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circuitry of detected devices with the data stored in the secure database to locate the lost or stolen device.

The section of the Mish patent cited by the Examiner does not disclose the method as recited in amended Claim 27. Rather, the cited portion (i.e., col. 5, lines 5–10) discloses:

Toll booths equipped to remotely identify cars can utilize digital processing equipment associated with the toll booths, or a human operator, to rapidly associate a license plate number with an improper RFID signal (e.g. for an RFID device reported as being stolen) so that a thief of the RFID can be identified and apprehended.

This portion does not disclose receiving a report of a lost or stolen device having transmitter circuitry attached thereto and comparing identifying information of detected devices with the data to locate the lost or stolen device. Rather, the Mish patent discloses receiving a report of RFID circuitry (which transmits the detected RFID signal) stolen from a vehicle. That is, the report identifies stolen RFID circuitry and does not identify the device (e.g., vehicle) to which the RFID circuitry was attached. Furthermore, the toll booth equipment disclosed in the section cited by the Examiner is used to associate the reportedly stolen RFID circuitry with a particular vehicle and not to locate the lost or stolen device to which the RFID circuitry (i.e., transmitter circuitry) was attached (e.g., the vehicle from which the RFID circuitry was stolen).

Because the portion of the Mish patent cited by the Examiner does not disclose receiving a report of a lost or stolen device having transmitter circuitry attached thereto and comparing identifying information of detected devices with the data to locate the lost or stolen device, Applicant asserts that Claim 27 is not anticipated by the Mish patent. Applicant respectfully requests allowance of Claim 27.

Amended Independent Claims 37 and 41

Amended independent Claims 37 and 41 are believed to be patentable for reasons similar to those set forth with respect to the patentability of independent Claim 27 and for the different aspects recited therein. Applicant respectfully requests allowance of Claims 37 and 41.

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Dependent Claims 28, 29, 31 and 34

Claims 28, 29, 31 and 34 depend from amended independent Claim 27 and are believed to be patentable for the reasons set forth with respect to the patentability of amended independent Claim 27 and for the additional features recited therein.

Dependent Claims 38–40

Claims 38–40 depend from amended independent Claim 37 and are believed to be patentable for the reasons set forth with respect to the patentability of amended independent Claim 37 and for the additional features recited therein.

Dependent Claims 42–44

Claims 42–44 depend from amended independent Claim 41 and are believed to be patentable for the reasons set forth with respect to the patentability of amended independent Claim 41 and for the additional features recited therein.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

Rejection of Claims 8, 9, 25, 26 and 54–56

The Examiner further rejects Claims 8, 9, 25, 26 and 54–56 as being unpatentable over the Bowers patent. For the reasons set forth below, Applicant respectfully disagrees.

Amended Independent Claim 54

Amended independent Claim 54 is believed to be patentable for reasons similar to those set forth with respect to the patentability of amended independent Claim 2 and for the different aspects recited therein. That is, the Bowers patent does not teach or suggest receiving data identifying a plurality of devices that have been lost or stolen and then comparing this data with identification information from detected devices to locate one of the lost or stolen devices. Applicant, therefore, respectfully requests allowance of Claim 54.

Dependent Claims 8 and 9

Claims 8 and 9 depend from amended independent Claim 2 and are believed to be patentable for the reasons set forth with respect to the patentability of amended independent Claim 2 and for the additional features recited therein.

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Dependent Claims 25 and 26

Claims 25 and 26 depend from independent Claim 17 and are believed to be patentable for the reasons set forth with respect to the patentability of amended independent Claim 17 and for the additional features recited therein.

Dependent Claims 55 and 56

Claims 55 and 56 depend from amended independent Claim 54 and are believed to be patentable for the reasons set forth with respect to the patentability of amended independent Claim 54 and for the additional features recited therein.

Rejection of Claims 30, 32, 33, 35, 36, 49 and 51

The Examiner rejects Claims 30, 32, 33, 35, 36, 49 and 51 as being unpatentable over the Mish patent. Applicant respectfully disagrees with the Examiner because the portion of the Mish patent cited by the Examiner does not teach or suggest receiving a report of a lost or stolen device having transmitter circuitry attached thereto and comparing identifying information of detected devices with the data to locate the lost or stolen device.

Dependent Claims 30, 32, 33, 35 and 36

Claims 30, 32, 33, 35 and 36 depend from amended independent Claim 27 and are believed to be patentable for the above-identified reasons and for additional features recited therein.

Dependent Claims 49 and 51

Claims 49 and 51 depend from amended independent Claim 48 and are believed to be patentable for the above-identified reasons and for additional features recited therein.

REQUEST FOR TELEPHONE INTERVIEW

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at (949) 721-2998 or at the general office number listed below.

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CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 8/18/05

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